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| 09/943,940      | 08/31/2001  | William E. Hertling  | 10005105-1          | 2054             |

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/943,940

**Applicant(s)**

HERTLING ET AL.

**Examiner**

Krisna Lim

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-40 are still pending for examination. The previous office action has been withdrawn.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. As to claims 1-8, a method of establishing an interface between a service and an application comprising a framework for registering the service, generating a unique request identification, appending the unique request identification to a content file, returning the content file to the service, and providing service information to the application is non-statutory since it is not tangible embodied in a manner so as to be executable. Furthermore, the framework which is an object-oriented programming, a reusable basic design structure consisting of abstract data structure. Thus, claims 1-9 are rejected under § 101 as being an abstract idea.

4. As to claims 9-16, a system of establishing an interface between a service and an application comprising a framework for registering the service, generating a unique request identification, appending the unique request identification to a content file, returning the content file to the service, and providing service information to the application is non-statutory since it is not tangible embodied in a manner so as to be executable as the only hardware is in an intended use statement. Since it is the intent of the execution of the system and not the system itself that includes such hardware. Furthermore, the framework which is an object-oriented programming, a reusable basic design structure consisting of abstract data structure. Thus, claims 9-16 are rejected under § 101 as being an abstract idea.

5. As to claims 17-32, a computer system comprising: a) a processor, b) a computer and c) a computer readable medium in which computer code is

encoded to cause the processor to provide a framework for registering the service, generating a unique request identification, appending the unique request identification to a content file, returning the content file to the service, and providing service information to the application is non-statutory since it is not tangible embodied in a manner so as to be executable as the only hardware is in an intended use statement. Since it is the intent of the execution of the system and not the system itself that includes such hardware. Furthermore, the framework which is an object-oriented programming, a reusable basic design structure consisting of abstract data structure. Thus, claims 17-32 are rejected under § 101 as being an abstract idea.

6. As to claims 33-40, a computer program product encoded in computer readable media comprising: a first, second and third set of instructions, executable on a computer system, configured to provide a framework for registering the service, generating a unique request identification, appending the unique request identification to a content file, returning the content file to the service, and providing service information to the application is non-statutory since it is not tangible embodied in a manner so as to be executable as the only hardware is in an intended use statement. Since it is the intent of the execution of the system and not the system itself that includes such hardware. Furthermore, the framework which is an object-oriented programming, a reusable basic design structure consisting of abstract data structure. Thus, claims 33-40 are rejected under § 101 as being not tangible and an abstract idea.

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajarajan [U.S. Publication No. 2002/0156865].

9. Rajarajan discloses (e.g., see Figs. 1-23) the invention substantially as claimed. Taking claims 17, 9, 17, 25 and 33 as exemplary claims, the reference disclosed a computer system (e.g., 100 of Fig. 1) comprising: a processor (202 of Fig. 2), a computer (either 102 or 104 of Fig. 1), computer readable medium (204 of Fig. 2, storages of Fig. 3) coupled to the processor, and a framework (e.g., see paragraph 55).

10. While Rajarajan discloses a system (e.g., see Fig. 3) of establishing an interface (Management Module 304, paragraph 55) between a service (server computer system 104) and an application (a client computer system) having a framework that may potentially be written in C# language (e.g. see paragraph 55) and having a plurality of macro functions (e.g. see 902 of Fig. 9, task list of Fig. 7) and other operations such as creating script (e.g., see 906 of Fig. 9), receiving and defining object (604 and 612 of Fig. 6), append property page information to the property sheet (e.g. see 606, 608 of Fig. 6), etc. Rajarajan does not explicitly mention that his framework perform the function as claimed. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that such functions would have been a matter of programming choice because those steps/operations or functions are obviously a variation programming choices.

11. As to claims 2-8, 10-16, 18-24, 26-32 and 34-40, Rajarajan further discloses a configuration file (342 of Fig. 3) that is written an extensible markup languages (342 of Fig. 3, paragraphs 10. 42 and 64).

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12. Applicant's arguments with respect to claims 3/14/05 have been considered but are moot in view of the new ground(s) of rejection.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 11, 2005



KRISNA LIM  
PRIMARY EXAMINER